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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,543	09/12/2003	David C. Fischer		6417
7590	03/01/2006			
Marvin N. Gordon 277 West End Avenue New York, NY 10023			EXAMINER COHEN, AMY R	
			ART UNIT 2859	PAPER NUMBER

DATE MAILED: 03/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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16/660543

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT

PAPER

20060223

DATE MAILED:

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Commissioner for Patents

1. The amendment submitted on November 18, 2005 was incomplete since claim 17 appears to be continued on a page not submitted with the amendment. Please provide a complete set of claims including all of claim 17.
2. The amendment submitted on November 18, 2005 is non-responsive since the amended claims 1-5, 8-13, 16, and 17 appear to be directed to a non-elected species. The amendments to claims 1 and 17, "fixed, one-dimensional path" and "single, one-dimensional path" respectively, would indicate the species shown in Figure 2 (Group II). However, Applicant elected the species shown in Figure 1 (Group I) on February 10, 2005 during a phone interview with Examiner Courson (of record in Office Action dated February 10, 2005). The species that Applicant elected is an arcuate path.
Since Applicant received an action on the merits for the originally claimed invention, this invention could have been constructively elected by original presentation for prosecution on the merits. However, amended claims 1-5, 8-13, 16, and 17 are no longer directed to the originally elected invention. Therefore, it is not possible to constructively elect by original presentation the originally claimed invention, and accordingly, the amendment filed November 18, 2005, has been considered to be non-responsive.
3. The timely submission under 37 CFR 1.129(a) filed on November 18, 2005 is not fully responsive to the prior Office Action, see paragraph above. Since the submission appears to be a bona fide attempt to provide a complete reply to the prior Office Action, Applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is lower, to submit a complete reply. This shortened statutory period supersedes the time period set in the prior Office Action. This time period may be extended pursuant to 37 CFR 1.136(a). If a notice of appeal and the fee set forth in 37 CFR 1.17(e) were filed prior to or with the payment of the fee set forth in 37 CFR 1.17(r), the payment of the fee set forth in 37 CFR 1.17(r), by Applicant is construed as a request to dismiss the appeal and continue prosecution under 37 CFR 1.129(a). The appeal stands dismissed.

Diego Gutierrez
Supervisory Patent Examiner
Technology Center 2800